

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA
IN PRIMARY CARE AND UNITED
BIOLOGICS, LLC D/B/A UNITED
ALLERGY SERVICES

Plaintiffs,

v.

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY;
AMERICAN COLLEGE OF ALLERGY,
ASTHMA & IMMUNOLOGY; DALLAS
ALLERGY AND ASTHMA CENTER,
P.A.; JOINT COUNCIL OF ALLERGY,
ASTHMA & IMMUNOLOGY; LYNDON
E. MANSFIELD M.D., P.A., A
PROFESSIONAL ASSOCIATION; PSF,
PLLC; DONALD AARONSON, MD;
GARY GROSS, MD; LYNDON
MANSFIELD, MD; JAMES SUBLETT,
MD; AND DAVID WELDON, MD

Defendants.

Civil Action No. 5:14-CV-00035-OLG

DECLARATION OF REBECCA BURKE IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION TO COMPEL

DECLARATION OF REBECCA BURKE

I, Rebecca Burke, hereby declare:

1. I offer this declaration in support of Defendants' Opposition to Plaintiffs' Motion to Compel. I have personal knowledge of the facts stated in this declaration. All facts stated in this declaration are true and correct. If called to testify to these facts, I could and would do so.

2. I am an attorney duly licensed to practice law in the District of Columbia. I am of counsel at the law firm of Powers Pyles Sutter & Verville, PC, which represents Defendant Joint Council of Allergy, Asthma & Immunology ("JCAAI"). A true and correct copy of my online biography is attached hereto as Exhibit A.

3. Powers Pyles Sutter & Verville, PC is a Washington, DC-based law firm whose practice includes representing clients in the fields of health care law, education law, and other areas.

4. As part of my representation of JCAAI, I advise it on health care legal, regulatory, and policy issues involving insurer reimbursement, coding, compliance with Medicare and Medicaid rules, relationships with providers and practitioners, among other matters.

5. During the entirety of my representation of JCAAI, including the time period of the documents placed into question by Plaintiffs' motion, I acted in a legal capacity and understood that communications with JCAAI officers, directors and board members were sent or copied to me for the purpose of legal review and soliciting or rendering legal advice to JCAAI.

6. I am not a registered lobbyist and my representation of JCAAI does not include lobbying activities. JCAAI retains a separate firm unrelated to Powers Pyles Sutter & Verville, PC to assist with lobbying activities. No one at my law firm, Powers Pyles Sutter & Verville, PC, has worked as lobbyist for JCAAI during the time period relevant to this litigation.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed this 20th Day of May, 2014 in Washington, D.C.

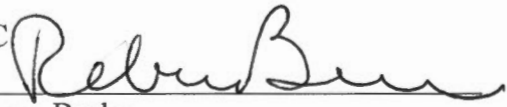
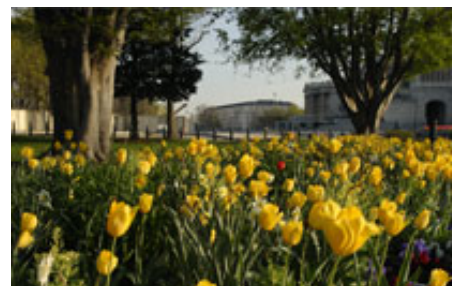

Rebecca Burke

Exhibit A



< Professionals

Rebecca L. Burke

Of Counsel



Rebecca Burke joined Powers Pyles Sutter & Verville in 1994. She has over 20 years of health care law experience. Ms. Burke's practice encompasses a broad range of regulatory and reimbursement services. She regularly represents clients before the Centers for Medicare and Medicaid Services and other federal agencies on a variety of Medicare and Medicaid payment, fraud and abuse, Stark law, coverage, coding and other issues that affect physicians, hospitals, transplant centers, diagnostic testing facilities, and various other health care providers.

In addition, Ms. Burke represents several health care organizations including a number of physician specialty organizations on regulatory issues as well as general association law matters. She is a member of the American Health Lawyers Association and a frequent contributor to publications in the health care area.

Ms. Burke graduated from Brown University in 1975 and graduated *cum laude* from the Georgetown University Law Center in 1982 where she served on the Editorial Board of the American Criminal Law Review. She is a member of the District of Columbia Bar.

Powers Pyles Sutter and Verville is a Washington, DC-based law firm that focuses on health care, education, and the law of tax-exempt organizations.

News & Publications

Practice Areas

Healthcare Policy
Healthcare
Reimbursement
Fraud & Abuse
Provider & Practitioner
Operations
Transactions

Bar Memberships

District of Columbia

Industry Expertise

Healthcare
Hospitals & Hospital
Systems
Physicians
Post Acute Care
Diagnostic & Other Health
Services
Trade & Professional
Organizations

Education

JD, Georgetown University
Law Center, cum laude,
1982
BA, Brown University, 1975

POWERS Counsel Rebecca Burke joins DC Bar Health Law Section Steering Committee

PPSV Presents "Are ACOs for You?" Webinar

PPSV Hosts Physician Payment and Registries Webinars

PPSV holds Healthcare Reform Webinars

Powers Pyles Hosts Transplant Compliance and Cost Recovery Seminar

Jim Jorling and Becky Burke publish "Common-Sense Rules for Hospitals and MDs Doing Business with IDTFs"

Are ACOs Right for Your Organization? - Analysis of ACO Final Rule

CMS Proposed Rule & Related Agency Notices on Accountable Care Organizations

Medicare Proposal to Curb Fraud and Abuse Through Enhancements to Enrollment Process

How Will PPACA Impact Your Practice? A Physician's Guide to Health Care Reform

The New Healthcare Reform Law's Impact on Physicians: Medicare, Medicaid and Related Physician Issues

Patient Safety Organizations: Risks and Opportunities

CMS Interpretive Guidelines for Transplant Center COPs more Detailed, Onerous than Regs Themselves

CMS Issues Final Transplant Center Conditions of Participation, Health Lawyers News v. 11, no. 7 (July 2007)

Medicare Part B v. Part D Drug Coverage Issues

CMS Proposes New Conditions of Participation for Transplant Centers

Office of Inspector General Advisory Opinion 04-08 - Physician Ownership of Physical Therapy Center

Stark II Phase II -- Implications for Physicians and Groups

HHS OIG Targeting Organ Transplant Services in 2004

New Process for Seeking Medicare National Coverage Determinations | (PDF version, 114 KB)

OIG's Compliance Program Guidance for Pharmaceutical Manufacturers

The Stark II Regulations

Professional Activities

Member, American Health Lawyers Association

DC Bar Association

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